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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/621,674

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Guy Nathan

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23117

7590

06/06/2005

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/621,674

Applicant(s)

NATHAN, GUY

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed March 10, 2005 have been fully considered but they are not persuasive. Applicant's arguments are aimed towards newly added limitations and are thus moot in view of the new grounds of rejection outlined below.
2. Further, the Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system, was not traversed by the applicant, and is thus taken as an admission of the fact presented.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilder (5,408,417, of record) in view of Schelberg, Jr. et al. (5,812,643, of record) [Schelberg] and Martin et al. (5,355,302, of record) [Martin].

Regarding claim 7, Wilder discloses an audiovisual reproduction system comprising a central unit (control system, col. 4, lines 13-20) controlling display

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(fig. 1, display 11), a touch screen (col. 4, lines 20-22), memory means (RAM and ROM are part of the system, col. 4, lines 13-20), and a telecommunications modem (col. 4, lines 22-26), through an operating system (col. 5, lines 40-42) comprising a library of tools and services (col. 6, lines 36-39), wherein images describing coming artistic events close to the location in which the audiovisual reproduction system is installed (col. 7, lines 25-35) are displayed at specific regular intervals (promotional program is running in a constant loop when no transactions are being made, col. 7, lines 36-40).

Wilder fails to disclose the operating system is a multitask operating system comprising means for storing the memory a file containing the images, said file being downloaded through a host server and a distribution network, and detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, said detecting means being provided for initiating the reading of said file, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event.

The Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system, was not traversed by the applicant, and is thus taken as an admission of the fact presented.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

In an analogous art, Schelberg teaches downloading digital information from a server through a distribution network, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include downloading the images into a file in the reproduction system for display from a server through a distribution network, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Wilder and Schelberg fail to disclose detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, said detecting means being provided for initiating the reading of said file, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event.

In an analogous art, Martin teaches a digital jukebox system (fig. 1), wherein users select songs performed by popular artists (col. 6 line 59 – col. 7 line 17), wherein images are associated with each song which are displayed to users upon selection of music by said artist (col. 7, lines 8-11, wherein the images presented are the album covers associated with the song, col. 4, lines 51-65), allowing users to pay for music from an interactive vending system to immediately enjoy while being presented with further engaging graphical data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder and Schelberg to include detecting means for detecting actions that correspond to a user selection of music performed by the artist participating in the artistic event (in the event that a user selects a song performed by an artist being advertised), said detecting means being provided for initiating the reading of a file which stores an associated image, so that said image is shown on the display after a user selection of music performed by the artist participating in the artistic event, as taught by Martin, for the benefit of allowing users to pay for music from the interactive vending system to immediately enjoy while being presented with further engaging graphical data, such as the related album cover.

Regarding claim 8, Wilder, Schelberg, and Martin disclose the system of claim 7, wherein the display means show a screen that user of the audiovisual reproduction system can use through the telecommunications means to order

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entry tickets for the artistic events displayed on the display means (Wilder teaches the user is presented with graphics for buying tickets to artistic events, col. 7, lines 48-58, wherein the information for said transaction is received through the modem and transaction information is uploaded to a central server through said modem, col. 5 line 66 – col. 6 line 2), the payment for these entry tickets being made through payment means forming part of the audiovisual reproduction system (Wilder, col. 6, lines 36-46).

Regarding claim 9, Wilder, Shelberg, and Martin disclose the system of claim 7, wherein the system comprises printing means for printing entry tickets (Wilder, col. 6, lines 60-66).

5. Claims 7, 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Wilder and Schelberg.

Alternatively regarding claim 7, Martin discloses an audiovisual reproduction system (fig. 1, jukebox 13) comprising a central unit (fig. 1, processing circuit 121, col. 5, lines 26-41) controlling display (fig. 1, visual display 125, col. 5, lines 45-46), memory (fig. 1, ROM 121B, RAM 121C, and storage 93), and a telecommunications modem (fig. 1, modem 19), through an operating system (software program contained in ROM, col. 5, lines 26-31) comprising a library of tools and services (the operating system controls all features and functions of the jukebox, including the graphical display, money collection, and

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song selection, and data collection, fig. 5 and col. 6 line 59 – col. 7 line 17), wherein the operating system of the reproduction system comprises means for storing to the memory a file containing images related to artists (col. 6, lines 30-44), wherein users select music performed by artists (col. 6 line 59 – col. 7 line 17), initiating the reading of said file so that said images are displayed to users upon selection of music by said artist (col. 7, lines 8-11, wherein the images presented are the album covers associated with the song, col. 4, lines 51-65).

Martin fails to disclose a multitask operating system, a touch screen and detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, and images describing coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system.

The Official Notice taken that it is old and well known to utilize multitask operating systems for controlling dynamic digital systems, as such operating systems are optimized for concurrent execution of multiple tasks, thus enabling systems which are capable of multiple tasks to perform them simultaneously, optimizing the performance and usefulness of the system was not traversed by applicant, and is thus taken as an admission of the fact presented.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Wilder to include a multitask



operating system, for the benefit of optimizing the performance and usefulness of the audiovisual reproduction system.

Martin fails to disclose a touch screen and detecting means for detecting actions on the touch screen that correspond to a user selection of music performed by the artist participating in the artistic event, and images describing coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system.

In an analogous art, Wilder teaches an audiovisual reproduction system with a touch screen for user selections (col. 4, lines 13-22), providing an intuitive form of user selections from an interface, and also teaches displaying images describing coming artistic events close to the location in which the audiovisual reproduction system is installed (display of a promotional program of local events, col. 7, lines 25-40), providing users with useful information regarding local entertainment venues.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin to include a touch screen, which by nature includes detecting means for detecting actions on the touch screen, which includes detecting when a user selects music that happens to be performed by the same artist who is participating in a coming artistic event, and also displaying images describing the coming artistic events close to the location in which the audiovisual reproduction system is installed, as taught by Wilder, for the benefit of an enhanced, interactive user interface and also providing users with useful

information regarding local entertainment venues, wherein advertising is an extremely well known and widely utilized form of revenue generation.

Martin and Wilder fail to disclose the images describing the coming artistic events close to the location in which the audiovisual reproduction system is installed are downloaded into a file in the reproduction system.

In an analogous art, Schelberg teaches downloading digital information, including advertisement files, (col. 7, lines 11-15) to a reproduction system (a public terminal that provides services and includes a user interface, col. 2, lines 25-46) for display, enabling the advertising information to be updated remotely.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin and Wilder to include downloading the images into a file in the reproduction system for display, as taught by Schelberg, for the benefit of enabling the advertising information to be updated remotely thus removing the need to manually update said information.

Regarding claim 10, Martin, Wilder, and Schelberg disclose the system of claim 7, wherein the display means uses a file in the operating system of the reproduction system to show a screen on the display means inviting the user to answer a series of questions (Martin teaches that when no selection is currently playing, the system is in an 'attract mode', displaying random graphics associated with various selections with the intent of attracting users to make a selection, col. 6 line 59 – col. 7 line 17, wherein a user must answer a series of

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questions to make said selection, first category, then song title, col. 7, lines 18-26), the answers to the question then being stored in a file in memory to be sent later to the downloading center for processing (Martin further teaches the system tracks, reports, and processes the total number of selections of every song for reimbursement calculation, col. 5 line 60 – col. 6 lines 18).

Regarding claim 11, Martin, Wilder, and Shelberg disclose the system of claim 10, wherein the display of the series of questions is initiated after a given song has been selected (Martin teaches the 'attract mode' is active after a given song has been selected and played and the system is awaiting a new selection, col. 6, lines 59-68).

Regarding claim 12, Martin, Wilder and Shelberg disclose the system of claim 7, wherein information related to downloaded images is stored (Martin teaches also storing graphics, col. 5, lines 8-10) in a downloadable file on the memory means of the audiovisual reproduction system (Martin teaches a downloadable file in the memory means, the song library/data storage unit 93 in fig. 1, col. 6, lines 48-54) through a request sent by the host server (central management systems sends management commands to the jukebox, col. 48-54).

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6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Wilder, and Shelberg as applied to claim 7 above, and further in view of Cannon (EP 0 711 076 A2, of record).

Regarding claim 13, Martin, Wilder, and Shelberg disclose the system of claim 7, but fail to disclose the recorded advertisement which is displayed after a determined number of musical selections have been made (Martin teaches displaying the 'attract mode' after a number of musical selections, determined by users, col. 7, lines 18-55, is finished playing, col. 6, lines 59-64, wherein the 'attract mode' has been modified in view of Wilder to play advertisements, which are stored in a file in memory, as Shelberg taught remote transmission and storage of advertisements) is interactive and consists of a game in which the user can win a musical selection.

In an analogous art, Cannon teaches attracting users to watch advertisements by including in the advertisement an interactive game (col. 4, lines 3-15) wherein the user can win a prize for playing the game (col. 4, lines 16-28), encouraging viewers to watch the advertisement (col. 2, lines 16-23).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Martin, Wilder, and Shelberg to include interactive advertisements which include a game in which the user can win a prize, as taught by Cannon, wherein the most obvious and readily available prize from a jukebox would naturally be a free musical selection, for the benefit of encouraging users to watch the advertisement displayed on the display means.

***Conclusion***

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



**HAI TRAN**  
**PRIMARY EXAMINER**